

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CLIFFORD LEE RUSH,

Plaintiff,

V.

BRENDA R. FISHER,

Defendant.

4:12CV3064

MEMORANDUM AND ORDER

Pursuant to the previous Memorandum and Order entered this date, this case is dismissed without prejudice.

Pursuant to the Prison Litigation Reform Act, Plaintiff is hereby notified that the filing of a notice of appeal by a prisoner makes the prisoner liable for payment of the full \$455.00 appellate filing fee regardless of the outcome of the appeal. An incarcerated civil appellant is required to pay the full amount of the \$455.00 filing fee by making monthly payments to the court, even if he or she is proceeding in forma pauperis. [28 U.S.C. § 1915\(b\)](#).

By filing a notice of appeal, the prisoner consents to the deduction of the \$455.00 filing fee from the prisoner's prison account by prison officials. The prisoner must submit to the clerk of the district court a certified copy of the prisoner's prison account for the last six months within 30 days of filing the notice of appeal. Failure to file the prison account information will result in the assessment of an initial appellate partial fee of \$35 or such other amount that is reasonable, based on whatever information the court has about the prisoner's finances.

DATED this 6th day of July, 2012.

BY THE COURT:

s/ John M. Gerrard

United States District Judge

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